

SELPA ADMINISTRATORS OF CALIFORNIA 2022 ADR CONFERENCE

TOPIC: ALTERNATIVE DISPUTE RESOLUTION (ADR)

TAYLOR KAYATTA ATTENDED ON BEHALF OF THE COMMUNITY ADVISORY COMMITTEE (CAC)

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JOHNETTA WEBB (PS), ALLYSON CARNEY (PS)** ATTENDED ON BEHALF OF THE SCUSD SPECIAL
EDUCATION DEPARTMENT

MARCH 17-18, 2022

RIVERSIDE, CA

Committing to Action: Building Partnerships to Advance Student Learning

This year's theme focuses on the value of strong parent-school partnerships that ensure positive outcomes for students. Learning recovery and advancement results when the adults in a student's life, parents and educators, work together collaboratively.



AGENDA OF THIS PRESENTATION

- Presentation on Interest Identification
- Presentation on IEP Facilitation
- Presentation on San Francisco Unified's ADR Program
- Presentation on Special Education Ombuds
- Taylor's takeaways
- SCUSD attendees feedback
- Questions and feedback

INTEREST IDENTIFICATION



- **What are Interests?** Behind every position lies at least one interest - something that drives a person to take a certain position. A single interest usually can be addressed by a variety of solutions. Reconciling interests, rather than compromising between positions, can generate multiple creative options that meet both parties' needs.
- **The Orange Story.** You have one orange, but two people want it. The simple resolution to this problem is to cut the orange in half. However, if you identify interests, you will learn that one person wants the rind to zest into a cake recipe from their deceased grandmother and the other person needs the orange juice to support their immune system before a big sporting event.

INTEREST IDENTIFICATION, CONTINUED

- Interests define the problem and the criteria for evaluating possible solutions.
- How do you find the interests? Ask open ended questions!
 - What about that is important to you? What is your greatest concern? How will that impact you? What will this mean to you?
- The Interest Trick: A caution! People in conflict don't always feel, and consequently say, the most positive things. It is easy to fall into a trap where you find yourself saying, "You need revenge," or "It's important for you to hold on to this dispute and not let go." Remember, however, interests are always positive. When you are challenged and can't uncover an interest, dig deeper, and even deeper. Unpeel that onion! For example the positive interest behind revenge might be a sense of justice, equity, or fairness.

IEP FACILITATION

- A facilitated IEP is a meeting during which a facilitator:
 - Guides meeting process
 - Follows a specific plan
 - Builds agreements
 - Establishes consensus
 - Ensures participants feel valued and heard
- Tools: group norms, outcomes, agenda, “parking lot,” charting discussions, action plan
- Techniques: gaining process agreement, enforcing agreements, educating the group, eliciting proposals, building consensus, clear communication, reflective listening, meeting debrief

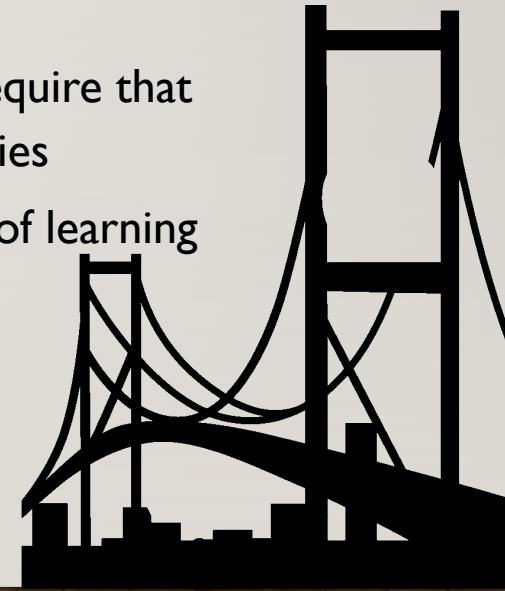


CADRE Continuum of Dispute Resolution Processes & Practices

Stages of Conflict	Stage I	Stage II	Stage III	Stage IV	Stage V													
Levels of Intervention	Prevention	Disagreement	Conflict	Procedural Safeguards	Legal Review													
Assistance/ Intervention Options	Family Engagement	Participant & Stakeholder Training	Stakeholder Council	Collaborative Rule Making	Parent to Parent Assistance	Case Manager	Telephone Intermediary	Facilitation	Mediation Models	Ombudsperson	Third Party Opinion/Consultation	Resolution Meeting	Mediation Under IDEA	Written State Complaints	Due Process Hearing	Hearing Appeal (Two-Tier Systems)	Litigation	Legislation
	Third-Party Assistance									Third-Party Intervention								
	Decision Making by Parties									Decision Making by Third-Party								
	Interest-Based									Rights-Based								
Dimensions that help clarify placement of the options along the Continuum	Informal & Flexible									Formal & Fixed								

SAN FRANCISCO UNIFIED: ADR PROGRAM

- SFUSD was identified for a 5-year grant starting 2016-17 due to a high number of parent complaints. Original grant focused ADR strategies on resolving CDE complaints prior to CDE investigation; it has evolved to pro-actively de-escalate conflicts.
- Our Current Reality
 - More than ever, the outer world pressures, including rapid social justice change, require that we maintain empathetic approaches and a cultural lens when dialoguing with families
 - ADR strategies are now being called upon by the state to mitigate the challenges of learning
 - Life and work stresses are compounding in a way that never has been seen before
 - Remembering that work-life balances are more intense than ever



SAN FRANCISCO ADR PROGRAM, CONTINUED

- Strategies for Alternative Dispute Resolution:
 - Office hours: confidential; 1:1 or small group; decide on the decision to refer to ADR
 - Facilitated IEP: ensures all voices are heard and understood; goal of reaching an agreement on the IEP; conflict management
 - Collaborative conferences: confidential; run by a neutral facilitator; families can speak for themselves (rather than talking through a lawyer); focus on relationship and communication-building
 - Checking in: opportunity for families or staff to check in with the facilitator, clarify their thoughts on the discussion, and/or review what was discussed

BENEFITS OF CREATING A SPECIAL EDUCATION OMBUDS OFFICE

- How it functions:
 - Build a reputation for being safe, fair, accessible, and credible
 - Help people help themselves
 - Offer informal interventions
- Guiding principles:
 - Independence: reports to the top, distinct from compliance, retains discretion
 - Neutral and impartial: advocates fair and equitable processes
 - Confidential: permits candor, facilitates trust, fosters broad options
 - Informal: not on the record, does not conduct investigations or render decisions

BENEFITS OF CREATING A SPECIAL EDUCATION OMBUDS OFFICE, CONTINUED

- Costs of conflict in Special Education:
 - Damaging long-term relationships and trust between families and school staff
 - Lost opportunities for identifying interests of parties (instead, focusing on positions)
 - Stress and anxiety for families and school staff
 - Time for district staff preparing for due process hearings (instead of teaching)
 - Monetary consequences (legal proceedings, etc.)
- The Ombuds alternative:
 - Voluntary, minimizes posturing, allows participants to retain control of the process

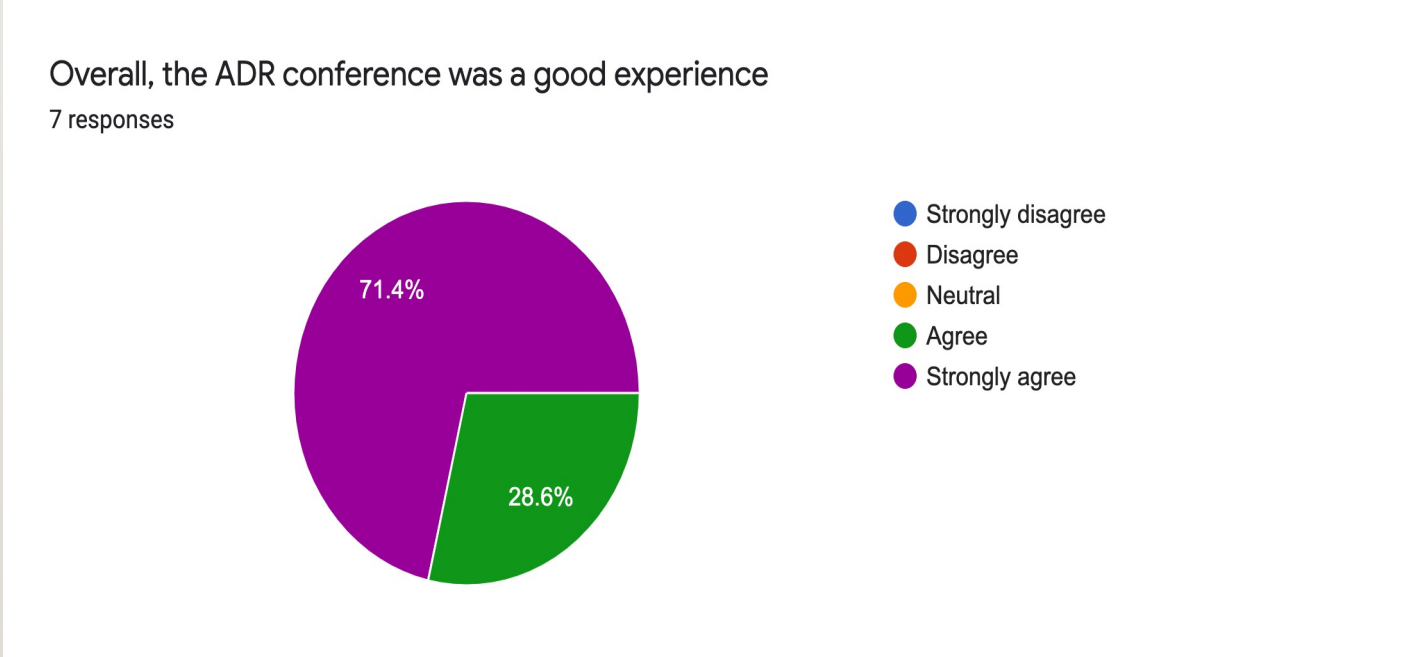
TAYLOR'S TAKEAWAYS

- **Thank you** to Geo Linares for making it a priority to send a parent
- Some **good options** for SCUSD to consider
- Some options might not work due to **frayed trust in our community**
- Thinking about a better IEP process helped me **re-frame my own experiences**



SCUSD ATTENDEES FEEDBACK

- Overall, the ADR conference was a good experience...



SCUSD ATTENDEES FEEDBACK

- How do you feel the conference connects to SCUSDs efforts around ADR?
 - *“The conference was a great opportunity to gather information in regards to building solid relationships with families and creating a safe environment for all team members. This would ensure that even if we employ all means to keep a case from going to ADR, we would have a good relationship coming out of ADR.”*
 - *“Even if a family goes to ADR we can maintain a good working relationship by including them and understanding what they dealt with before during and after ADR. The mindset is an important role in helping all team members work together... My goal is to make sure families don't feel the need to go to ADR but if they do, they come back feeling confident that we are all here for the same reason.”*
 - *“I feel there are many connections to be made if there is a more solidified plan that was in place and shared with our team regarding ADR”*
 - *“ADR conference connected with our efforts because it spoke a lot about the importance of relationships and tailoring interest on both sides.”*

SCUSD ATTENDEES FEEDBACK

- What did you enjoy most about the conference?
 - *“I enjoyed listening to other districts and how they tackled some concerning issues with case management and IEP processes. I learned that we need standards of practice that everyone follows. We need to train our case managers and encourage them to take ownership and pride in the programs they provide to the students. There were great pointers and opportunities to get ideas from the other districts.”*
 - *“This opened my eyes to how expansive ADR actually is and how much can be done prior to a conflict even occurring. With the ADR pamphlet we were given earlier this school year it felt like ADR was something you could do after conflicts could not be resolved through the IEP. I really liked the CADRE Continuum of Dispute Resolution Processes and Practices that was shared.”*
 - *“The keynote presentation was great and really made me think about how to approach IEP discussions - and how the structure of such discussions could be improved.”*

SCUSD ATTENDEES FEEDBACK

- Anything else you would like to share as it relates to SCUSD and ADR
 - *“I just want to see how we can adjust our processes to address things in the earlier stages of conflict. The "Dispute Prevention in the Context of Systems Change" was eye opening on how other SELPAs are implementing ADR... I liked the ideas of providing more parent training or creating parent liaisons and utilizing CAC to promote ADR and outreach.”*
 - *“I think more practice in this area of having those thoughtful conversations and figuring out a persons interest in the situation is critical. In doing so, offering feedback on the practice will be helpful for us to grow as learners.”*
 - *“I really hope that SCUSD can implement some of the ADR techniques discussed at the conference.”*

NEXT STEPS

- Use this feedback along with others to:
 - Continue to develop and refine ADR implementation
 - Implement professional learning on topics like:
 - ADR continuum
 - Facilitated IEPs
 - Building and sustaining relationships with families
 - ADR training for families
 - Others...

QUESTIONS? FEEDBACK?

